

Exhibit 36-4H 6509.2 REV-7 CHG 4
 Emergency Solutions Grants (ESG) Program
 Coronavirus Relief and Economic Security Act (CARES Act)

Guide for Review of Other Federal Requirements for ESG-CV			
Name of Recipient:			
Staff Consulted:			
Name(s) of Reviewer(s)		Date	

NOTE: All questions that address requirements contain the citation for the source of the requirement (statute, regulation, NOFA, or grant agreement). Note, however, that certain questions in this Exhibit reference reviews conducted using Exhibits elsewhere in this Handbook. If a requirement is not met, HUD must make a finding of noncompliance. Where responses to questions for this Exhibit are based on other Exhibit reviews, the conclusions should be noted here, as applicable. Other questions (questions that do not contain the citation for the requirement) do not address requirements, but are included to assist the reviewer in understanding the recipient's program more fully and/or to identify issues that, if not properly addressed, could result in deficient performance. Negative conclusions to these questions may result in a "concern" being raised, but not a "**finding.**"

Instructions: This Exhibit is designed to evaluate the ESG recipient's compliance with other Federal requirements applicable to the Emergency Solutions Grants (ESG) program as funded and modified under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), otherwise known as ESG-CV. Note that the provisions of the Davis-Bacon Act do not apply to ESG or ESG-CV per 24 CFR 576.407(e). For certain requirements, a reference is made to other Exhibits or Chapters in this Handbook. If other Exhibits are used to monitor these areas, only the conclusion(s) should be noted here with a cross-reference to the supporting review documentation/Exhibit. Note also that, if other HUD funds have been used to carry out ESG-CV assisted projects and compliance monitoring for the areas below has been conducted in the past 12 months, it is not necessary to review these areas again unless the last risk analysis results or subsequent information raise questions or concerns.

Requirements at 24 CFR Part 576 apply to the use of ESG-CV funds, unless otherwise provided by the alternative requirements and flexibilities established under the CARES Act, Notice CPD-21-08, Notice CPD-22-06, or other HUD waivers or CPD Notices. Notice CPD-21-08, published July 19, 2021, supersedes Notice CPD-20-08 and reestablishes the allocation formula and amounts and reestablishes and announces new requirements for ESG funding.

As provided in Notice CPD-21-08 and Notice CPD-22-06, recipients that received particularized waivers or exceptions are permitted to apply those waivers and exceptions subject to the conditions provided in those waivers or exceptions, although they may also use any further flexibility provided in Notice CPD-21-08 under the conditions and alternative requirements provided in the Notice.

All waivers HUD has provided for ESG-CV funds under the CARES Act waiver authority apply retroactively as provided by the CARES Act (NOTE: waivers provided under the waiver authority in 24 CFR 5.110 are not retroactive, even if applied to ESG-CV grants). Except as otherwise stated in Notice CPD-21-08, waivers and alternative requirements HUD provided as authorized by the CARES Act were deemed to be effective as of the date a State or unit of local

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government began preparing for coronavirus, which HUD presumes to be January 21, 2020 – the date the first confirmed case was reported in the United States. However, each recipient must maintain adequate documentation (including documentation demonstrating when their particular state or local government began preparing for coronavirus) to assure these waivers and alternative requirements are used only with respect to ESG- or ESG-CV-eligible activities the recipient or its subrecipients implemented to prevent, prepare for, and respond to coronavirus.

This Exhibit is to be used to monitor not only the use of ESG-CV grant funds, but the use of FY 2020 and older ESG grant funds the recipient designated for use in preventing, preparing for, and responding to coronavirus. A recipient may have expended annual ESG funds both for activities used to prevent, prepare for, and respond to coronavirus as well as activities not specifically designated for coronavirus response. In those cases, monitors are instructed to use the exhibits in Chapter 36 to monitor annual ESG-funded activities designated for coronavirus response; Exhibits in Chapter 28 are to be used to monitor annual ESG-funded activities not designated for coronavirus response.

Questions:

A. FAIR HOUSING AND EQUAL OPPORTUNITY

NOTE: If violations are identified in question 1, HUD reviewer must document issue and refer matter to FHEO to address.

1.

<p><u>Affirmative Outreach:</u> Did the recipient and all of its subrecipients:</p> <ul style="list-style-type: none"> a. make known that the use of the facilities, assistance, and services are available to all on a nondiscriminatory basis, and establish additional procedures, as required under 24 CFR 576.407(b); and b. take appropriate steps to ensure effective communication with persons with disabilities; and c. take reasonable steps to ensure meaningful access to programs and activities for limited English proficiency persons? <p>NOTE: The HUD reviewer must complete Exhibit 22-5, <i>Guide for Review of Civil Rights-Related Program Requirements for CPD Non-Formula Programs</i>, in Chapter 22 of this Handbook to answer this question.</p> <p>[24 CFR 576.500(s)(1); 24 CFR part 5, Subpart A; 24 CFR 576.407(b); 24 CFR 8.6]</p>	<input type="checkbox"/> <input type="checkbox"/> Yes No
<p>Describe Basis for Conclusion:</p> 	

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B. UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970, as amended

2.

<p>Uniform Relocation Assistance: If ESG grant funds were used to assist projects involving acquisition, demolition, or rehabilitation, has the recipient:</p> <ul style="list-style-type: none"> a. taken all reasonable steps to minimize displacement of persons; b. complied with all requirements in the applicable regulations; and c. documented such compliance? <p>[24 CFR 576.408; 24 CFR 576.500(t); 24 CFR 576.102(a)(4)]</p>	<input type="checkbox"/> <input type="checkbox"/> Yes No
<p>Describe Basis for Conclusion:</p>	

C. ENVIRONMENTAL REVIEW

3.

<p>Were the environmental requirements at 24 CFR part 58 met, except as otherwise provided by HUD’s waivers? (Use Exhibit 21-1 to answer this question)</p> <p>NOTE: Per Section III.E.3.a(ii)(a) of Notice CPD-21-08, ESG-CV funds used for temporary emergency shelter are not subject to environmental review requirements that otherwise apply to the use of ESG funds if the shelters have been determined by state or local health officials to be necessary to prevent, prepare for, and respond to coronavirus.</p> <p>[Grant Agreement; 24 CFR 576.500(s)(3); Notice-CPD-21-08 Section III.F.8]</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
<p>Describe Basis for Conclusion:</p>	

4.

<p>If the recipient is not a state, does the file contain evidence of compliance with applicable flood insurance protection requirements when assistance was used for rehabilitation of real property located within the Special Flood Hazard Area (SFHA)? (Use Exhibit 27-1, <i>Guide for Review of Flood Insurance Protection</i>, in this Handbook.)</p> <p>[Grant Agreement; 24 CFR 576.500(s)(3); 24 CFR 58.6]</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
<p>Describe Basis for Conclusion:</p>	

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D. DRUG-FREE WORKPLACE

5.

<p>Drug-Free Workplace: Does the recipient have a drug-free workplace statement per the requirements of 2 CFR part 2429?</p> <p>[24 CFR 5.105(d); 24 CFR 576.407(a)]</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<p>Describe Basis for Conclusion:</p>	

6.

<p>Drug-Free Workplace: If the requirements of the Drug-Free Workplace Certification were reviewed, is the recipient in compliance?</p> <p>[24 CFR 5.105(d); 24 CFR 576.407(a); 2 CFR part 2429]</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<p>Describe Basis for Conclusion:</p>	

E. LOBBYING RESTRICTIONS

7.

<p>Lobbying: Were the certifications required under 24 CFR 87.110 filed by the recipient and all subrecipients and contractors that received a subgrant, contract, or subcontract exceeding \$100,000 at any tier under the recipient's grant?</p> <p>[24 CFR 5.105(b); 24 CFR 87.110; 24 CFR 576.407(a); 24 CFR 576.500(s)(4)]</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<p>Describe Basis for Conclusion:</p>	

8.

<p>Lobbying: Did the recipient and each subrecipient and contractor that filed a certification also submit the appropriate disclosure forms, if and as required under 24 CFR part 87?</p> <p>[24 CFR 5.105(b); 24 CFR 576.407(a); 24 CFR 576.500(s)(4) and 24 CFR part 87]</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<p>Describe Basis for Conclusion:</p>	

F. CONFLICT OF INTEREST

9.

<p>Conflicts of Interest (Organizational): Does a representative sample of the recipient’s records reveal zero instances where, except as otherwise provided by the ESG program rule and HUD’s waivers:</p> <ul style="list-style-type: none"> a. any type or amount of ESG assistance was conditioned on acceptance of shelter or housing owned by the recipient, subrecipient, contractor, or any parent or subsidiary of the subrecipient or contractor; or b. a subrecipient or contractor carried out the initial evaluation for a program participant while the individual or family was occupying housing owned by the subrecipient or contractor, or any parent or subsidiary of the subrecipient or contractor; or c. a subrecipient or contractor administered any homelessness prevention assistance to an individual or family occupying housing owned by the subrecipient or contractor, or any parent or subsidiary of the subrecipient or contractor? <p>NOTE: Per Section III.E.3.o(v) of Notice CPD-21-08, ESG-CV funds used for sponsored-based rental assistance are not subject to the initial requirement in 24 CFR 576.404(a), which prohibits conditioning any type or amount of ESG assistance on an individual's or family's acceptance or occupancy of emergency shelter or housing owned by the recipient, the subrecipient, or a parent or subsidiary of the subrecipient to the extent necessary to require that the program participant rent a unit owned by the sponsor to benefit from this form of rental assistance.</p> <p>[24 CFR 576.404(a); regarding contractors, 24 CFR 576.404(c)]</p> <p>Describe Basis for Conclusion:</p>	<table style="width: 100%; border: none;"> <tr> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;"><input type="checkbox"/></td> </tr> <tr> <td style="border: none;">Yes</td> <td style="border: none;">No</td> <td style="border: none;">N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					

10.

<p>Conflicts of Interest (Individual): Do the recipient’s records:</p> <ul style="list-style-type: none"> a. contain personal conflicts of interest policy or codes of conduct developed and implemented to comply with the requirements in 24 CFR 576.404(b); b. demonstrate that the officers and staff of the recipient, its subrecipients, and any contractors complied with the individual conflict of interest requirements at 24 CFR 576.404(b); and c. contain documentation supporting any exceptions to the personal conflicts of interest prohibition? <p>[24 CFR 576.404(b); 24 CFR 576.500(p); regarding contractors, 24 CFR 576.404(c)]</p>	<table style="width: 100%; border: none;"> <tr> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;"><input type="checkbox"/></td> </tr> <tr> <td style="border: none;">Yes</td> <td style="border: none;">No</td> <td style="border: none;">N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					

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Describe Basis for Conclusion:

11.

Did the recipient ensure that, in providing ESG assistance, no program participant or prospective program participant was discriminated against on the basis of religion or religious belief?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
NOTE: To answer this question, the HUD reviewer should look at the recipient’s written policies and requirements for its subrecipients as well as a representative sample of applicant records, where the individual or family was determined ineligible for ESG assistance. Under 24 CFR 576.500(d), the recipient’s records must include documentation of the reason for each determination that an individual or family is ineligible to receive ESG assistance.	
[24 CFR 576.406(d); 24 CFR 576.500(r)]	
Describe Basis for Conclusion:	

12.

<u>Faith-Based Activities:</u> Does the documentation show that the recipient and its subrecipients did not engage in inherently religious activities, such as worship, religious instruction, or proselytization as part of the programs or services funded under ESG; AND if the recipient or any subrecipients conduct(s) these activities, were they offered separately, in time or location, from the programs or services funded under ESG, and was participation voluntary for all program participants?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
[24 CFR 576.406(b); 24 CFR 576.500(r)]	
Describe Basis for Conclusion:	

13.

<u>Faith-Based Activities (Rehabilitation):</u> Do the recipient’s written policies and records indicate that the recipient ensured that no ESG funds were used to renovate a sanctuary, chapel, or other room used as a principal place of worship?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
[24 CFR 576.406(e); 24 CFR 576.500(r)]	

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Describe Basis for Conclusion:

14.

<p>Faith-Based Activities (Rehabilitation): If a structure is used for both eligible activities and inherently religious activities, did the recipient ensure that the amount of ESG funds used was limited to costs of those portions of the rehabilitation that are attributable to eligible activities in accordance with the cost accounting requirements applicable to ESG funds?</p> <p>[24 CFR 576.406(e); 24 CFR 576.500(r)]</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Describe Basis for Conclusion:	

G. SECTION 6002 OF THE SOLID WASTE DISPOSAL ACT

15.

<p>Section 6002 of the Solid Waste Disposal Act: Does the recipient have evidence of compliance with the procurement requirements of Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, and with guidelines of the Environmental Protection Agency?</p> <p>[24 CFR 576.407(f)]</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Describe Basis for Conclusion:	

H. TRANSPARENCY ACT REPORTING

16.

<p>Do the recipient and its subrecipients have evidence of compliance with the Federal Funding Accountability and Transparency Act (FFATA) requirements?</p> <p>[24 CFR 576.500(aa)]</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Describe Basis for Conclusion:	

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17.

Does the recipient have a system in place for complying with all requirements of the Federal award, including Federal Funding Accountability and Transparency Act of 2006 (FFATA) and System for Award Management requirements provided under 2 CFR parts 25 and 170? (If yes, describe the system.) [24 CFR 576.500(aa) and 2 CFR 200.300(b)]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
Describe Basis for Conclusion: 	

I. SECTION 3 OF THE HOUSING AND URBAN DEVELOPMENT ACT

18.

If applicable, is there evidence of the ESG recipient and its subrecipient's compliance with the requirements with Section 3 of the Housing and Urban Development Act of 1968 and its implementing regulations? [24 CFR 576.405(c); 24 CFR 576.407(a); and 24 CFR part75]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
Describe Basis for Conclusion: 	

J. EQUAL ACCESS RULE

19.

Did each shelter or service provider reviewed maintain written policies and procedures ensuring equal access is provided to individuals in accordance with the individual's gender identity, and in a manner that affords equal access to the individual's family? NOTE: Equal access ensures that, when consideration of sex is prohibited or not relevant, individuals will not be discriminated against based on actual or perceived gender identity, and where legitimate consideration of sex or gender is appropriate, such as in a facility providing temporary, short term shelter that is not covered by the Fair Housing Act, and which is legally permitted to operate as a single-sex facility, the individual's own self-identified gender identity will govern. [24 CFR 5.106(b) and 5.106(d)]	<input type="checkbox"/> <input type="checkbox"/> Yes No
Describe Basis for Conclusion: 	

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20.

<p>Did each shelter or service provider reviewed maintain written policies and procedures ensuring that individuals are placed, served, and accommodated in accordance with their gender identity and are not subjected to intrusive questioning or asked to provide anatomical information or documentary, physical, or medical evidence of the individual's gender identity?</p> <p>NOTES:</p> <ul style="list-style-type: none">• Examples of asking a client to provide evidence would be asking to provide evidence about someone's physical anatomy, medical records, or identification documents that record their gender identity.• Examples of unnecessary, intrusive questioning would be asking about surgeries or other medical treatment, physical anatomy, and any other topics that are not necessary for placing and serving a client in the facility. <p>[24 CFR 5.106(b)(3) and 5.106(d)]</p>	<input type="checkbox"/> <input type="checkbox"/> Yes No
<p>Describe Basis for Conclusion:</p> 	